

SECOND REGULAR SESSION

HOUSE BILL NO. 1915

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KIRKTON (Sponsor), SCHUPP AND OXFORD (Co-sponsors).

6024L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 475.030, RSMo, and to enact in lieu thereof one new section relating to parental visitation during guardianship.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 475.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 475.030, to read as follows:

475.030. 1. Letters of guardianship of the person may be granted for any person adjudged incapacitated. Letters of conservatorship of the estate may be granted for any person adjudged to be disabled.

2. Letters of conservatorship of the estate of a minor shall be granted for that part of the estate of the minor which is not derived from a living parent who is acting as natural guardian.

3. Letters of conservatorship for the entire estate of a minor may be granted in the following cases:

(1) Where the minor has no parent living; or

(2) Where there is a natural guardian of the minor and where the court finds that the best interests of the minor require letters of conservatorship for all of his estate.

4. Letters of guardianship of the person of a minor may be granted in the following cases:

(1) Where a minor has no parent living;

(2) Where the parents or the sole surviving parent of a minor are unwilling, unable or adjudged unfit to assume the duties of guardianship;

(3) Where the parents or the sole surviving parent have had their parental rights terminated under chapter 211.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **5. Upon entry of letters of guardianship of a minor, the court may consider whether**
19 **continued visitation between the child and the natural parents is in the best interest of the**
20 **child under section 452.375, either separately or jointly. If the court finds it in the best**
21 **interest of the child, the court may order such visitation according to a parenting plan, as**
22 **defined in section 452.310. The granting of visitation to a natural parent with a minor shall**
23 **not include any rights of custody or decision-making authority over the child who is the**
24 **subject of the letters of guardianship. If the court does not have competent jurisdiction for**
25 **an award of visitation, the court shall transfer the case to an appropriate court of**
26 **competent jurisdiction.**

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